

**PLANNING BOARD MEETING MINUTES  
TUESDAY, MAY 18, 2006**

**MEMBERS PRESENT:** Jay Cruz, Chair  
John DiPasquale  
Paul Fontaine, Jr.  
Mike Hurley  
Linda Nicholopoulos  
Yvette Cooks (associate member)

**MEMBERS ABSENT:** Paula Caron, Vice-Chair  
Nancy Maynard

**PLANNING OFFICE:** David Streb, Mike O'Hara

**Call to Order**

Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

**Communications**

Hearing notices from abutting Planning Boards.

MRPC-MJTC – Planning Board Member appointment - Board agreed to defer action to see if Ms. Caron is still interested in being Planning Board's designee.

Benjamin Builders request to City Clerk and Planning Board requesting bond reduction/release.  
D. Streb's response to earlier request for bond release, requesting \$5,500 for outside engineering review to see if site built to plan. Mr. Cruz asked to have Benjamin Builders confirm receipt.

Request for special meeting made by staff for early June to take up application left off this month's agenda. Board agreed to hold special meeting Tuesday, June 6 at 7:30 p.m.

**Meeting Minutes**

Motion made and seconded to approve minutes of the April 18<sup>th</sup> meeting. Vote unanimous to approve.

**ANR plans**

The Board reviewed the following "ANR" plans:

Tully, Shattuck Road

Asst. City Solicitor John Barrett present. Atty. Burgoyne, Gary Shepard of David E. Ross Assocs. and the applicant Dawn Tully also present.

Atty. Burgoyne made presentation regarding the history of Shattuck Road. Atty. John Barrett replied that the road is not a public way and stands by the City Solicitor's letter of last month. Suggestion was made that the applicant improve Shattuck Road and comes back with an ANR plan showing lots on the approved way. Atty. Burgoyne proposed that the Shattuck Road improvements could be proposed via a Definitive Subdivision plan as well, with a performance guarantee securing the road improvements.

Reference was made to the negotiations with the City over the DEP appeal of the Conservation Commission's denial. Atty. Burgoyne wants a straw poll re: whether the Planning Board would approve the Shattuck Estates as presented showing 10 lots, seven on Shattuck Road. Board voted to table ANR plan until the June 20<sup>th</sup> meeting. Applicant will send a letter granting another extension for action on the ANR plan.

Seney, Litchfield St.

Revision of property line between two lots with condos under construction. Frontage doesn't change. Board endorsed plan.

**MINOR SITE PLAN REVIEW**

79 River Street, Bomaco Automotive Warehouse (wholesale auto parts)

Bill Gates of Whitman & Bingham Assocs. and applicant Jim Boardman presented plan for change of use of former printing shop into Bomaco Automotive Warehouse (auto parts). He will have 1,064 square feet of office space with four parking spaces. Warehouse: 10,000 square feet, parking as needed. Customers: two spaces. They provided 11 spaces. Will have parking spaces delineated on the pavement. Hours: 8:00 a.m. - 5:00 p.m. – no public, salesmen only. Gated area for dumpster will be provided. Deteriorated stairway in back needs to be improved.

Motion made & seconded to approve minor site plan for Bomaco Automotive Warehouse with conditions:

- Erect screening fence around dumpster
- Mark parking spaces on the ground as shown on site plan
- Fix up stairs to rear of building

Vote unanimous to approve.

216 Water St. -- Mario's Restaurant, Darby

Christian Darby presented plan. Recently purchased building at 212-216 Water St., corner of First and Water Streets. Proposing to use first floor at 216 Water St. for restaurant -- pizza and rotisserie chicken. St. Bernard's Church is allowing him to use their parking lot in back; copy of parking agreement between St. Bernard's parish and Darby submitted. 13 parking spaces are to be lined. Dumpster to be in the rear, fenced in. May be planning awning in future, to be in conformance with Design Review Guidelines for urban renewal area. Parking agreement with St. Bernard's to be amended to be valid for entire term of occupancy as restaurant.

Motion made & seconded to approve minor site plan for Mario's Restaurant with conditions:

- 13 parking spaces are to be lined
- Parking agreement with St. Bernard's Parish to be amended to be valid for entire term of occupancy as restaurant
- Dumpster in the rear to be fenced in and screened

Vote unanimous to approve.

**PUBLIC HEARINGS**

(Ms. Cooks recused herself from the following item.)

**Site Plan Review - Fitchburg Affordable Housing Corp., 470 Main St. (Banknorth bldg.) conversion to 31 residential units (cont'd from 4-18-06)**

Hearing re-opened. Marianne Graham, CDC's Director of Housing Development and Horne & Johnson architects continued discussion on conversion to 31 units. Plans still need to be approved by Banknorth and approved by state agency in order to get the historic tax credits.

Motion made & seconded to grant Site Plan Approval for thirty-one 1-BR & 2-BR residential units on the upper floors, office space for the Twin Cities CDC on the first floor, and Banknorth continuing their current space on the first floor, subject to the following conditions:

- Landscaping plan to be submitted and approved by Planning Board.
- Security measures to be installed, including lighting of the Boulder Drive side of site.
- Approval of façade improvements by Urban Renewal design committee
- Pave and stripe rear (Boulder Drive) parking lot, including the portion on Shack's parcel.

- Subject to lease with City of Fitchburg for two spaces per dwelling unit and adequate spaces for CDC employees and visitors in City parking garage(s)

Vote unanimous to approve.

(Ms. Cooks returned to meeting.)

**Special Permit renewal - Bay Communications, Wanoosnoc Rd. wireless communication tower  
(cont'd from 4-18-06)**

Carey Diehl, Bay Communications - requested continuance. Thought that the hearing was closed. He is unprepared without counsel. He would like copies of documents referred to at last meeting. Minutes indicate that the hearing was continued.

Mr. DiPasquale stated we've still have problems with Wanoosnoc Road bridge and that nothing as improved.

Public comment:

Larry Zarella, 101 Olin Avenue inspected equipment shelter and is seriously concerned with lighting strike – is a hazard. Kids can get into tower.

Mr. Cruz said it should be brought to the attention of Building Commissioner.

Letter from Denis Meunier dated 5/16/06 handed out to the Board and read aloud.

Mr. DiPasquale said Bay Communications know these improvements needed to be done, and they haven't done anything.

Mr. Cruz said DPW should sign off on all improvements. Looking for permanent repair of the culvert and asked if they could put a barricade over the road. David Streb said no, it's private property.

Keith Dooling – two weeks ago had a Verizon truck in his yard.

Mr. Cruz asked that the status of the bond, and the date the special permit ends be checked. Continued to June 20<sup>th</sup>. Applicant to bring timetable for bridge improvements.

**Special Permit - James Manor Rest Home expansion, 222 South St.**

Members present for hearing: Cruz, DiPasquale, Fontaine, Hurley, Nicholopoulos, Cooks (associate member) (6)

Hearing opened. Pat Slattery, Architect for project presented proposal. Owner Donald Demarais is on vacation, out of country and was unable to be here. Addition of ten beds, but net increase of three beds. Currently licensed for 28 residents, to be increased to 35 residents.

Question raised as to what was applied for? The Special Permit application states a special permit for an Assisted Living Facility. Bldg. Commissioner has stated that verbally; we are waiting for a written letter of zoning determination.

Atty. Steven DiPace representing abutter to right, Mrs. Simoneau, 232 South St. Claimed that rest home may be a pre-existing, non-conforming use -- legal as things stand now. But this is an expansion of the use, which should be approved by the ZBA. Since there is no letter of zoning determination, the Board doesn't have jurisdiction to hear the application.

The Board agreed that since there were numerous abutters present, they should take public comment.

Public comment:

Mary Whitney, 12 Pine St., thinks it's a large increase in that lot, allowing no room in the backyard. Also architecturally doesn't fit into the neighborhood, being a one-story flat roof. Also there are old, mature trees on right side of property – what happens to those?

Pat Slattery responded.

Mary Whitney further said that a landscaping plan should be submitted that includes full grown trees.

Bob Whitney, 12 Pine St., asked about the number of occupants.

Phil St. Jean, 19 Marion St. - numerous times residents knock on his door looking for rides. Has safety concerns also concerned about loss of trees.

Michelle Hammond, 210 South St. (abutter on left side) - she is a mom with two young kids that use Marion Street and she's concerned about traffic. She was also concerned about the hours of operation.

Brian Hayes, 32 Marion St. - he'd like to have the dumpster moved into the property. Expressed concerns about parking.

Atty. DiPace with more people they'll be more deliveries, more traffic. Also, this will affect his clients because her bedroom is very near the planned porch and gazebo.

Howard Sumner, 22 Marion St. - a lot of the residents take cabs and the honking is annoying. More people will increase the noise.

Michael Caine, more people mean more traffic.

Sue Tuttle, 238 South St. - residents talk and smoke until very late at night.

Sheila O'Brien, 38 Marion St. - this expansion will change the whole character of the neighborhood.

Michelle Hammond, 210 South St. - is the owner planning to take down trees on her side?

Bryan Davis, 44 Marion St. stated his concerns.

Councillor Dave Clark reiterated comments from his ward.

Frances Simoneau: these improvements will be 15 feet from her bedroom

Board comment:

Mr. Fontaine: proposed parking is not nearly enough for the proposed use. Also, flat roof looks inadequate. Needs some sort of gable structure.

Mr. Fontaine & Mr. Cruz: parking requirements in Ordinance says one space per room. This is way under that.

Pat Slattery -- no residents have cars.

Ms. Nicholopoulos: too much building for the property.

Mr. Hurley: too much building for the neighborhood.

Board continued this hearing until June 20<sup>th</sup>, at 6:30 p.m.

### **Special Permit - "Woodland Estates" mobile home park expansion, 1341 Rindge Rd.**

Applicant Joanne Hamberg & Chris Deloge of Whitman & Bingham and Atty. Mark Bodanza present.

Atty. Bodanza presented proposal. Expanding from 17 to 46 units. About 2 units/acre. Mobile homes/manufactured homes are not real estate per se and are protected by State law. It's an over 55, retirement community. Proposed Community center with library. Also will have bocce or shuffleboard and walking trails. Sewer & water is being installed in tandem with the JCJ project on Arn-How Farm/Billings Rd. She also plans to install natural gas.

Chris Deloge, Whitman & Bingham, presented site plan. Minimal disruption to the existing 17 units. One of the units owned by his client will be demolished.

Proposed extension of road will have two 16-foot wide lanes with an 8-foot median strip. Road would be 1,800' dead end. Private rubbish collection.  
Plan will be revised to add lease lines around units.

Ms. Hamberg passed around photos of manufactured home park in Nashua as an example.

Most units will have a 20-foot backyard area, except for some with a 10-foot backyard. Each unit will have an E-1 sewer pump that will pump into the abutting JCJ project.

Applicant will provide the manufactured homes and two-car garages and sell them and lease the space. They are scheduled for Conservation Commission May 30th.

Water -- there will be Submeters for each site, one master meter for the site.

Public comment:

Paul Jensen, 1275 Rindge Road, how much extra runoff will he be getting.

Chris Deloge indicated that they would be reducing it by 30%. He went on to describe how the system will work.

Mike McLaughlin, 80 Bond St.: if you look in zoning ordinance, mobile homes and mobile home park are not allowed in the City of Fitchburg. This plan doesn't show lot lines, etc. This is a rural residential area and has a high concentration of units. If these are homes, they should have foundations. He is not in favor of it. If it's approved, think about concessions that would help the neighbors.

Atty. Bodanza: It's proposed as a Planned Unit Development. Sec. 181.721(c) – encourages innovation in the type of design of living units in a PUD. He thinks the manufactured home proposal fits the purpose of the PUD section.

Mark Deschamps, Rindge Road, abuts property on the right. Would size of water pipe be increased?

Sydney LeBlanc, resident of park – concerned about existing tenants. She's met with the owners and discussed the project.

Ms. Hamberg: Gas hookups will be done for free. Rents will eventually go up, however.

John Heisson, 51 Bennett Road: This is Rural Residential -- out in the country. Units should be spread out. Asks that if water lines are put in Rindge Road, then Rindge Road should be repaved.

Harold Melanson, 13 Bennett Road, asked about the nature of the wet area. Michael O'Hara announced the date of the Conservation Commission meeting to everyone and that the issue of whether or not the stream was year-round and wetland impacts would be taken up by the ConCom on May 30.

Carl Ehrier, spoke in favor of the park. Said the planned improvements will fix a lot of environmental problems.

Lash Larue, also lives in the park, and also supports the project.

Mr. Hurley asked for a copy of the trailer park rules and regulations.

Public Hearing continued until June 20<sup>th</sup>.

**OTHER BUSINESS**

None.

Meeting adjourned: 9:57 p.m.

*Next meeting: June 6, 2006*

*Approved: 6/6/06*